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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,094	08/20/2003	Tomohiro Shinoda	3022-0019	4947

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,094

Applicant(s)

SHINODA, TOMOHIRO

Examiner

Tramar Harper

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 04/07/06. The arguments set forth in the response are addressed herein below. Claims 1-21 are pending in this application, Claims 1-5, 7-12, 14-19 and 21 have been amended, Claims 6, 13 and 20 have been cancelled, and Claims 22-24 have been newly added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7-10, 12, 14-17, 19, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Chung et al (US Patent 6,877,096).

Column 5:48-6 and figures 1-3 disclose a 3d integrated circuit disk/token comprising of a RFID a microprocessor (figure 3 processor) and a control gate array and a connector (figure 3 RFID and 3:55-4). Column 5:1-14 discloses a stored character data set and Column 4:50-60 discloses a stored interactive game. **Regarding the newly added language**, Chung discloses that either 100, 105 the design of the device may take the form of the nature of the game. For example, for a racing car game the device may take the form of the player's racing car (character or figure) and the tokens may represent different parts of the car, such as engine, wheels, etc (such qualities are known as character data or bonus data, which is interpreted as data gaining a player

further incentives of capabilities). The more tokens the greater the capabilities (Col. 6:30-42). Chung also discloses that each disc may correspond to a different weapon. The more discs that have been introduced, the more weapons a player has access to (interpreted as a bonus incentive/profit). Chung further discloses that each disc may correspond to a different database providing such game initial data (Col. 5:1-8). As such, this is interpreted as discs/tokens containing game initial data from a plurality of game initial data. Also in terms of the base portion in which **one or more** tokens are attachable/detachable from, Chung discloses the devices 100, 105 (which represent two token readable devices (Col. 2:36-37)) contain a top portion 107 and a bottom base portion 110. The **one or more** tokens may be attached on the upper surface of the base body portion of devices 100, 105 (Col. 2:43-44, 43-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al (US Patent 6,877,096) as applied to the claims above in view of Nakamura (US Patent 2,334,456).

Chung discloses all of the instant application as discussed above but lacks in disclosing selecting initial data sets randomly from a initial data group. Nakamura teaches a character information data set selected from a plurality of items of a character

information data group at random and stored on a portable media device for use in an arcade or domestic gaming machine (Col. 6:13-18). Nakamura discloses that the data can be selected and stored based on information not already stored on the portable media device (Col. 2:31-33, interpreted as bonus data or information). It would have been obvious to one of ordinary skill at the time of the invention to modify the token gaming system, as taught by Chung, with to randomly select character/bonus gaming information, as taught by Nakamura, to provide player enjoyment of purchasing and collecting character/bonus information and enhance a player's hope of getting character information which the player has not possessed (Col. 26-20).

Response to Arguments

Applicant's arguments filed 04/07/06 have been fully considered but they are not persuasive. Applicant notes that Chung teaches detachable/attachable tokens (pg. 12, line 2), but excludes attachable device having a base portion or representing a figure. Chung discloses that either 100, 105 the design of the device may take the form of the nature of the game. For example, for a racing car game the device may take the form of the player's racing car (character or figure) and the tokens may represent different parts of the car, such as engine, wheels, etc (Col. 6:30-42). Also in terms of the base portion in which ***one or more*** tokens are attachable/detachable from, Chung discloses the devices 100, 105 (which represent two token readable devices (Col. 2:36-37)) contain a top portion 107 and a bottom base portion 110. The ***one or more*** tokens may be attached on the upper surface of the base body portion of devices 100, 105 (Col. 2:43-44, 43-54). In regards to bonus data (profit), Examiner interprets bonus data as

any data that enhances game play had it not been obtained initially, giving the feeling of incentive, profit, or bonus. Chung discloses the tokens may represent parts of a car such as engine, wheels, etc. If a player's car comprised of only an engine and no wheels then player would end up with different outcomes based on the tokens possessed. In terms of a randomly selected game data set from a group of game data, Nakamura teaches a character information data set selected from a plurality of items of a character information data group at random and stored on a portable media device for use in an arcade or domestic gaming machine (Col. 6:13-18). Nakamura discloses that the data can be selected and stored based on information not already stored on the portable media device (Col. 2:31-33, interpreted as bonus data or information).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Peppel (US 2001/0039206) teaches randomly selected game initial data. Stamper (GB 2,334,456) teaches a plurality of character figure memory devices with game initial data stored on.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

07/24/06



JOHN M. HOTALING, II
PRIMARY EXAMINER